

2002 Edmund Halley Drive

Reston, VA 20191 USA

(703) 620-6300

Fax (703) 476-2720

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 5, 1998

HAND DELIVERED

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RE: In the Matter of Biennial Regulatory Review
Amendment of Parts 0,1,13,22,24,26,27,80,87,90,95,97, and 101 of the Commission's
Rules to Facilitate the Development and Use of the Universal Licensing System in the
Wireless Telecommunications Services, WT Docket 98-20.

Dear Mr. Salas:

Enclosed herewith is one (1) original, and five (5) copies of our reply comments submitted to the
Report and Order and Further Notice of Proposed Rulemaking in WT Docket 98-20.

Sincerely

Christopher R. Hardy
Vice President
Microwave and Satellite Services

Enclosure

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Numerous comments were received in response to the Commission's proposal to amend section 101.103(d) by requiring frequency coordination only for those applicants filing amendments and

modifications that involve major changes to technical parameters.¹ It appears from the comments that there is a general misunderstanding of the purpose and benefits of coordination in the overall Part 101 licensing and application process. It was also apparent the term "coordination" has a very different meaning to Part 90 and Part 101 users. The FCBA correctly points out this concern in their comments by stating that it is important that the Commission take into consideration the differences between Part 90 coordination and Part 101 coordination systems in its new regulation.

The basic principle which the Part 101 frequency coordination community has followed for over 20 years is that all potentially affected parties are notified of any changes to the technical operating parameters of a station, no matter how minor they may appear. As embodied in the first two sentences of Section 101.103(d)(1), this requirement for prior coordination, or notification in some instances, is based upon interference potential.² In the Part 101 bands, it is the responsibility of each applicant or licensee to conduct an analysis for potential interference and notify other users of the proposal. Likewise, it is the right of each recipient of the notification to analyze the proposal for interference and respond accordingly. This industry administered process of notification and response among users has been an extremely successful method of identifying and avoiding potential interference, minimizing the expenditure of valuable Commission resources in interference avoidance

¹ See comments of NSMA at 8-9, API at 14, AWS at 9, APCO at 2-3, Bellsouth at 16, CellNet at 6, FCBA at 37-38, PCIA at 12, BAM at 13, Nextel at 6, FIT at 12-13.

² "Proposed frequency usage must be prior coordinated with existing licensees, permittees and applicants in the area, and other applicants with previously filed applications, whose facilities could affect or be affected by the new proposal in terms of frequency interference on active channels, applied-for channels, or channels coordinated for future growth. Coordination must be completed prior to filing an application for regular authorization, or an amendment to a pending application, or any major modification to a license."

and mitigation.

In their comments, BAM, Nextel and API state that coordination of minor changes is unnecessary. We disagree. In our comments to the NPRM, we pointed out the fallacy of equating application requirements (Major vs. Minor) to those of coordination.³ It can be shown that changes to coordinates, path azimuths, emission bandwidths and antennas, which fall under the minor change definitions of proposed section 1.929, can significantly increase the potential for interference. If licensees are not notified of these changes, the result will be an increased possibility for interference, an increase in the submission of Petitions to Deny, and subsequently increased Commission involvement in resolving interference disputes. This will occur because licensees will be without the benefit of analyzing changes prior to application submittal and will have no recourse other than a formal Petition to resolve potential problems. The ability for carriers in most Part 101 bands to begin "conditional" operation upon application submittal further exacerbates this situation. Without coordination, licensees will have no forewarning and be at the mercy of the applicant who might unwittingly create harmful interference. The Commission fully recognized the importance of frequency coordination when it formalized the conditional licensing rules in Part 101.⁴

API and Nextel also state in their comments that coordination of minor changes (amendments)

³ See comments of Comsearch at 4.

⁴ Reorganization and Revision of parts 1,2,21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services, WT Docket No. 94-148, FCC 96-51, REPORT AND ORDER. Section 101.31 (e)(1)(i) states that an applicant must certify that the frequency coordination procedures of Section 101.103 have been successfully completed.

represents a financial burden and causes time delays in the application process. While we agree that some time and expense is involved in the coordination process, we believe these requirements to be of minimal impact to the user. If the changes do not increase the potential for interference, Section 101.103(d)(2)(ix) provides adequate guidelines for notification of the affected users without the necessity of receiving a response.⁵ This “notification only” requirement is routinely completed in one day and allows the applicant to file immediately. If the change is analyzed and found to increase the interference potential, then the time and money spent to work through the coordination process is well worth it. Discovering and rectifying interference conflicts after they have occurred is significantly more expensive and time consuming for all the parties involved. For the industry’s effective Part 101 prior coordination process to continue, coordination (notification and response) must be required for all changes that have an impact on the interference potential, and notification must be required for all changes. Under Part 101.103, it is not possible to simply send “notification to the coordinator” for changes⁶ – there is no certified coordinator. Instead, a coordination notice must be sent to all potentially affected parties. Whether or not a response is required is based on the interference potential, not on arbitrary definitions of “major” versus “minor”.

In summary, we support the Commission’s efforts to bring consistency to its rules across all wireless services, however this effort must not go so far as to ignore substantial and fundamental differences inherent between the services. The coordination process defined in Part 101 is substantially different

⁵ “If, after coordination is successfully completed, it is determined that a subsequent change could have no impact on some parties receiving the original notification, these parties must be notified of the change and of the coordinator’s opinion that no response is required.”

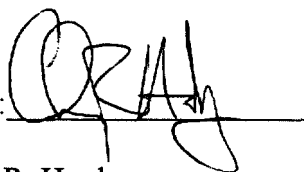
⁶ Nextel Comments at 6.

than Part 90 and these fundamental differences should be considered by the Commission when developing it's rules. We believe that Part 101.103 should remain unchanged, that notification and/or coordination should be required for all changes, and that this standard should be maintained separate and distinct from the definition of "major" and "minor" changes for filing purposes.

Respectfully Submitted,

COMSEARCH

Prepared by:

A handwritten signature in black ink, appearing to read 'CRH', written over a horizontal line.

Christopher R. Hardy
2002 Edmund Halley Drive
Reston, Virginia 20191